



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBs0004/3
SRM:wlj:md

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY JOINT RESOLUTION 2**

April 6, 2009 – Offered by Representative SHERMAN.

1 **To amend** section 23 of article IV, section 4 (1) (a) of article VI, section 4 (1) of article
2 VII, section 5 (2) of article VII, section 7 of article VII, section 9 of article VII,
3 section 1 of article X and section 1 of article XIII of the constitution; **relating**
4 **to:** eliminating the spring election (first consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2009 legislature on first consideration, eliminates the spring election for nonpartisan offices so that all regularly scheduled elections will be held in November. The proposal also prescribes special lengthened terms for nonpartisan officers who are elected after the effective date of the amendment to facilitate the transition to new term expirations.

A proposed constitutional amendment requires adoption by two successive legislatures, and ratification by the people, before it can become effective.

5 ***Resolved by the assembly, the senate concurring, That:***
6 **SECTION 1.** Section 23 of article IV of the constitution is amended to read:
7 [Article IV] Section 23. The legislature shall establish but one system of town
8 government, which shall be as nearly uniform as practicable; but the legislature may

1 provide for the election at large once in every 4 years of a chief executive officer in
2 any county with such powers of an administrative character as they may from time
3 to time prescribe in accordance with this section and shall establish one or more
4 systems of county government. The term of office of the chief executive officer shall
5 be 4 years, except that the term of office of any person who is elected to the office of
6 chief executive officer after the effective date of the 2009-11 amendment to this
7 section shall expire on the first Monday of January of the 2nd odd-numbered year
8 beginning after that date.

9 **SECTION 2.** Section 4 (1) (a) of article VI of the constitution is amended to read:

10 [Article VI] Section 4 (1) (a) Except as provided in this paragraph and pars. (b)
11 and (c) and sub. (2), coroners, registers of deeds, district attorneys, and all other
12 elected county officers, except judicial officers, sheriffs, and chief executive officers,
13 shall be chosen by the electors of the respective counties once in every 2 years. The
14 term of office of each person who is elected to the office of county supervisor after the
15 effective date of the 2009-11 amendment to this paragraph shall expire on the first
16 Monday of January of the 2nd odd-numbered year beginning after that date.

17 **SECTION 3.** Section 4 (1) of article VII of the constitution is amended to read:

18 [Article VII] Section 4 (1) The supreme court shall have 7 members who shall
19 be known as justices of the supreme court. ~~Justices~~ Except as provided in this
20 subsection, justices shall be elected for 10-year terms of office commencing with the
21 ~~August~~ January 1 next succeeding the election. ~~Only one justice~~ No more than 2
22 justices may be elected in any year. Any 4 justices shall constitute a quorum for the
23 conduct of the court's business. The term of office of each person who is elected to the
24 office of justice after the effective date of the 2009-11 amendment to this subsection

1 shall expire on the first Monday of January of the 2nd odd-numbered year beginning
2 after that date.

3 **SECTION 4.** Section 5 (2) of article VII of the constitution is amended to read:

4 [Article VII] Section 5 (2) For each district of the appeals court there shall be
5 chosen by the qualified electors of the district one or more appeals judges as
6 prescribed by law, who shall sit as prescribed by law. Appeals Except as provided in
7 this subsection, appeals judges shall be elected for 6-year terms and shall reside in
8 the district from which elected. No alteration of district or circuit boundaries shall
9 have the effect of removing an appeals judge from office during the judge's term. In
10 case of an increase in the number of appeals judges, the first judge or judges shall
11 be elected for full terms unless the legislature prescribes a shorter initial term for
12 staggering of terms. The term of office of each person who is elected to the office of
13 appeals judge after the effective date of the 2009-11 amendment to this subsection
14 shall expire on the first Monday of January of the 2nd odd-numbered year beginning
15 after that date.

16 **SECTION 5.** Section 7 of article VII of the constitution is amended to read:

17 [Article VII] Section 7. For each circuit there shall be chosen by the qualified
18 electors thereof one or more circuit judges as prescribed by law. Circuit Except as
19 provided in this section, circuit judges shall be elected for 6-year terms and shall
20 reside in the circuit from which elected. The term of office of each person who is
21 elected to the office of circuit judge after the effective date of the 2009-11 amendment
22 to this section shall expire on the first Monday of January of the 2nd odd-numbered
23 year beginning after that date.

24 **SECTION 6.** Section 9 of article VII of the constitution is amended to read:

1 [Article VII] Section 9. When a vacancy occurs in the office of justice of the
2 supreme court or judge of any court of record, the vacancy shall be filled by
3 appointment by the governor, which shall continue until a successor is elected and
4 qualified. ~~There shall be no election for a justice or judge at the partisan general~~
5 ~~election for state or county officers, nor within 30 days either before or after such~~
6 ~~election.~~

7 **SECTION 7.** Section 1 of article X of the constitution is amended to read:

8 [Article X] Section 1. The supervision of public instruction shall be vested in
9 a state superintendent and such other officers as the legislature shall direct; and
10 their qualifications, powers, duties and compensation shall be prescribed by law. ~~The~~
11 Except as provided in this section, the state superintendent shall be chosen by the
12 qualified electors of the state ~~at the same time and in the same manner as members~~
13 ~~of the supreme court general election~~, and shall hold office for 4 years from the
14 succeeding first Monday in ~~July~~ January. The term of office, time and manner of
15 electing or appointing all other officers of supervision of public instruction shall be
16 fixed by law. The term of office of the person who is first elected to the office of state
17 superintendent after the effective date of the 2009-11 amendment to this section
18 shall expire on the first Monday of January of the 2nd odd-numbered year beginning
19 after that date.

20 **SECTION 8.** Section 1 of article XIII of the constitution is amended to read:

21 [Article XIII] Section 1. The political year for this state shall commence on the
22 first Monday of January in each year, and the general election shall be held on the
23 Tuesday next succeeding the first Monday of November in even-numbered years.
24 Beginning with the elections first held to fill the positions of officers whose terms
25 expire in specified years under the 2009-11 amendment to this section, all regularly

1 scheduled elections for public officials shall be held at the general election. The ballot
2 shall clearly distinguish between partisan and nonpartisan offices.

3 (END)